



Order Filed on April 22, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in compliance with D.N.J. LBR 9004-1(b)

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Mortgage Servicing as servicer for MTGLQ
Investors, L.P.*

In Re:

Nancy Marie Fuess

aka Nancy Taylor Fuess

Debtors.

Case No.: 19-24039-MBK

Chapter: 13

Hearing Date: 04/22/2020 at 9:00am

Judge: Michael B. Kaplan, U.S.B.J.

Recommended Local Form

☐ Followed

☒ Modified

ORDER VACATING AUTOMATIC STAY

The relief set forth on the following pages is hereby **ORDERED**.

DATED: April 22, 2020

A handwritten signature in black ink, appearing to read "Michael B. Kaplan", is written over a horizontal line.
Honorable Michael B. Kaplan
United States Bankruptcy Judge

Upon the Motion of NewRez, LLC d/b/a Shellpoint Mortgage Servicing, on behalf of itself and its successors and/or assigns(hereinafter “Secured Creditor” and/or “Movant”), under Bankruptcy Code Section 362(d) for relief from the automatic stay and Bankruptcy Code Section 1301(c) for relief from the co-debtor stay as to certain property as hereinafter set forth and commonly known as 16 Robert Circle, Metuchen, NJ 08840, and for cause shown, it is

ORDERED that the automatic stay and co-debtor stay are hereby vacated to permit the Movant its successors and/or assigns to institute or resume and prosecute to conclusion one or more action(s) in the court(s) of appropriate jurisdiction to pursue the Movant’s rights in the following:

ALL that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Metuchen, in the County of Middlesex, State of NJ:

Known and designated as Lot 17 in Block 78-A as set forth on a certain map entitled “Map of Schwalje Trust Section C, Borough of Metuchen, Middlesex County, New Jersey 1958, which map was filed on July 19, 1958 in the Middlesex County Clerk's Office as Map No. 1643, File No. 933.

It is further ORDERED that the Movant, its successors or assignees, may proceed with its rights and remedies under the terms of the subject mortgage and pursue its state court remedies including, but not limited to, taking the property to sheriff’s sale, in addition to potentially pursuing other loss mitigation alternatives, including, but not limited to, a loan modification, short sale or deed-in-lieu foreclosure. Additionally, any purchaser of the property at sheriff’s sale (or purchaser’s assignee) may take any legal action for enforcement of its right to possession of the property.

It is further ORDERED that the Movant may join the debtors, co-debtor and any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other chapter of the Bankruptcy Code.

It is further ORDERED that all communications sent by Movant in connection with proceeding against the property including, but not limited to, notices required by state law and communications to offer and provide information with regard to a potential Forbearance Agreement, Loan Modification, Refinance Agreement, Loss Mitigation Agreement, or other Loan Workout, may be sent directly to Debtors.

The Movant shall serve this Order on the debtor(s), any trustee and any other party who entered an appearance on the motion.